

REMARKS

In view of the finality of the pending Office Action, this Responsive Amendment is being filed in combination with a Request For Continued Examination. Claims 1-4, 6-18 and 20-25 are now pending in the application. Claims 22-25 have been added herein. The amendments to the claims contained herein are not considered to represent a narrowing amendment. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 102 AND § 103

Claims 1, 3, 13, 15 and 17 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Cipollini (U.S. Pat. No. 6,258,476, hereinafter Cipollini). Claims 2, 4, 9, 10, 14, 16 and 18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Cipollini. These rejections are respectfully traversed.

At the outset, Applicants submit that Cipollini teaches the use of a porous and thus permeable separator plate. This is evidenced by the ability of water to pass through the water transfer plate 4 and into the coolant water channel 15. Cipollini requires porosity of the separator plate for the invention to function as intended. The separator plate of the present invention is non-porous and impermeable to prevent water and gas from passing therethrough. Claim 1 of the present invention has been further amended to include clarification that the separator plate is impermeable. The use of an impermeable separator plate in Ciponilli would not allow the invention to function as intended. Further, the present invention does not require the presence of water to

prevent the migration of the cathode reactant gas from the gas passages since an impermeable wall is used.

Applicants further note that Cipollini discloses a fuel cell which employs flow field plates having alternating ribs (i.e. plate structure) and channels (i.e. absence of plate structure), whereby the reactant gases are distributed to the MEA through the channels. In contrast, the present invention as recited in the claims employs a plurality of porous, reactant gas flow channels, whereby the reactant gases are distributed to the MEA through the pores. Thus, Applicants submit that Cipollini fails to teach porous reactant gas flow channels as recited in claim 1 or said channels including a porous media having an average pore size of no greater than 0.25 mm and a void fraction of no less than 85% as recited in claim 2. Applicants also note that claims 3-4, 6-18, and 20-21 depend from claim 1. Thus, Applicants assert that these claims are in condition for allowance for the reasons set forth above regarding claim 1. In view of the foregoing amendments and remarks, reconsideration and withdrawal of the prior art rejections is respectfully requested.

NEW CLAIMS

Applicants have added claims 22-25 to the application as a new claim. The Examiner states that claim 20 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. Accordingly, Applicants have added claim 22 based on the Examiner indication of allowance of claim 20.

Claim 22 presents the subject matter of claim 20 without the limitation that the width of the barrier portion is less than the width of the leg portion. Claims 23-25 depend from

claim 22. Examiner has stated that claim 20 would be allowable if rewritten in independent form. Therefore, allowance of these claims are respectfully requested.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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